



0000096180

ORIGINAL 47

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

OCT 31 2000

2000 OCT 31 A 11:34

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION)
 OF PROPOSED RULEMAKING REGARDING)
 THE TRANSPORTATION OF NATURAL)
 GAS, OTHER GASES AND HAZARDOUS)
 LIQUIDS BY PIPELINES.)

DOCKET NO. RG-00000A-00-0548

STAFF'S COMMENTS FOR PROPOSED RULEMAKING

Pursuant to the August 30, 2000 Procedural Order in this docket, Staff of the Arizona Corporation Commission ("Staff") through undersigned counsel, hereby submits a response to comments filed by ASARCO Incorporated and Arizona Fueling Facilities Corporation on the Proposed Rulemaking Regarding the Transportation of Natural Gas, Other Gases and Hazardous Liquids by Pipelines.

It was not Staff's intention to use this rulemaking docket as a device to expand the jurisdiction of the Arizona Corporation Commission ("Commission"). Further, it has come to Staff's attention that when filing the Rules with the Secretary of State, Staff omitted a portion of A.A.C. R14-2-201(5). As a result, on October 30, 2000, Staff filed with the Secretary of State, a Notice of Public Information to be published in the November 3, 2000 Register. The term "by public service corporations" was inadvertently omitted from the definition of "Intrastate pipeline" and should be re-instated. Further, Staff initially inserted "referenced in A.R.S. § 40.441" in the definition of "Intrastate pipeline" and has deleted that reference for conformity purposes. (See, Exhibit A)

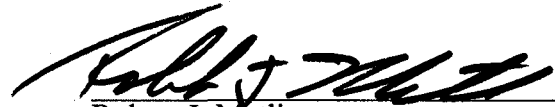
...

...

...

1 Finally, Staff initially proposed the striking of "that are used by public service corporations"
2 in the definition of "Pipeline System" pursuant to R14-2-201(9). As an additional conforming
3 change, the request to strike this language is now withdrawn.
4

5 RESPECTFULLY SUBMITTED this 31st day of October 2000.
6
7

8 

9 Robert J. Metli
10 Attorney, Legal Division
11 Arizona Corporation Commission
12 1200 West Washington
13 Phoenix, Arizona 85007
14 (602) 542-3402

15 Original and (15) fifteen copies
16 of the foregoing filed this 31st
17 day of October, 2000 with:

18 Docket Control
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 Copy of the foregoing was
23 mailed this 31st day of
24 October, 2000, to:

25 Arizona Fueling Facilities Corporation
26 c/o Raymond S. Heyman
27 Roshka, Heyman, & DeWulf
28 400 N. Fifth Street, Suite 1000
Phoenix, Arizona 85004

Steve Williams
Plant Manager
Arizona Public Service Company
P. O. Box 53999
Mail Station 4120
Phoenix, Arizona 85072-3999

Larry Daniel
Customer Construction Dept. Leader
Arizona Public Service Company
P. O. Box 53999
Mail Station 3015
Phoenix, Arizona 85072-3999

1 Mr. Mark Battaglia
City Manager
2 City Of Benson
P. O. Box 2223
3 Benson, Arizona 85602

4 Mr. Jim Wilson
Black Mountain Gas Company
5 P. O. Box 427
Cave Creek, Arizona 85331

6 Mr. Gail Robinson
7 Black Mountain Gas Company
P. O. Box 1028
8 Page, Arizona 86040

9 Mr. Doug Mann
Manager
10 Energy West Arizona
200 West Overland
11 Payson, Arizona 85541

12 Mr. Gary Powell
Manager
13 Amerigas Terminal
14 14702 West Olive Avenue
Waddell, Arizona 85355

15 Mr. John A. Rogers
Vice President, Systems Operations
16 Louisiana Gas Service Co.
P. O. Box 433
17 Harvey, Louisiana 70059

18 Mr. Jack McBride
Copper Market Incorporated
19 c/o Cyprus Bagdad Copper Company
P. O. Box 245
20 Bagdad, Arizona 86321

21 Mr. Jim Vescio
Station Manager
22 Dyn Air Fueling Company
4200 East Airplane Drive
23 Phoenix, Arizona 85034

24 Mr. Jack Shilling
General Manager
25 Duncan Rural Service Cooperative
P. O. Box O
26 Duncan, Arizona 85534

27
28 ...

1 Mr. Donald R. Payne PE
2 Manager, Compliance Engineering
3 El Paso Natural Gas Company
4 P. O. Box 1492
5 El Paso, Texas 79978
6
7 Mr. Nelson Peck
8 General Manager
9 Graham County Utilities, Inc.
10 P. O. Drawer B
11 Pima, Arizona 85543
12
13 Mr. David Plumb
14 Gas Manager
15 City of Mesa
16 P. O. Box 1466
17 Mesa, Arizona 85211-1466
18
19 Mr. Ken Mecham
20 Director
21 Gila Resources
22 Post Office Box 272
23 Safford, Arizona 85548
24
25 Mr. Dan McCarthy
26 Vice President
27 Citizens Utilities Company
28 1300 South Yale Street
Flagstaff, Arizona 86001
3
4 Ms. Debra Jacobson
5 Manager Regulatory Affairs
6 Southwest Gas Corporation
7 P. O. Box 98510
8 Las Vegas, Nevada 89193-8510
9
10 Mr. Frank Gonzales
11 Director of Utilities
12 City of Willcox
13 155 West Maley
14 Willcox, Arizona 85643
15
16 Mr. Steve Barlett
17 Manager
18 Applied LNG Technologies
19 8101 North 34th Street
20 Amarillo, Texas 79121
21
22 Ms. Becky Gardner
23 Senior Human Resources Assistant
24 City of Mesa
25 Post Office Box 1466
26 Mesa, Arizona 85211-1466
27
28 ...

1 Mr. Darren Gilbert
Manager Safety Division
2 Public Utilities Commission of Nevada
1150 East Williams
3 Carson City, Nevada 89701

4 Mr. Dean Peery
Rolling Mill Facilitator
5 North Star Steel
3000 Highway 66 South
6 Kingman, Arizona 86401

7 Mr. Jack Williams
Pimalco Aerospace Aluminum
8 6833 West Willis Road
Box 5050
9 Chandler, Arizona 85226

10 Pinal County Building Inspections
Queen Creek, Magma Gas Area
11 Building Safety Division
P.O. Box 827
12 31 North Pinal St. Bldg. D
Florence, Arizona 85232

13 U S WEST Communications
14 Regulatory Division
3033 North 3rd Street
15 Room 1010
Phoenix, Arizona 85012

16 Greg Merdick
17 Cox Cable
Community Relations
18 17602 North Black Canyon Highway
Phoenix, Arizona 85053

19 Chris Tyrek
20 Cable America
2720 East Camelback Road
21 Phoenix, Arizona 85016

22 Jones Intercable
Regulatory Division
23 8251 North Cortaro Road
Tucson, Arizona 85743-9599

24 Tucson Electric Power
25 Legal Department – DB203
220 West 6th Street
26 P.O. Box 711
Tucson, Arizona 85072

27
28 ...

1 David Martin
Association of General Contractors
2 1825 West Adams
Phoenix, Arizona 85007
3
4 Clark Tartar / Frank Harris
Arizona Pipeline Company
3111 West Lincoln Street
5 Phoenix, Arizona 85009
Jim Gholson
6
7 Northern Pipeline Construction Co
3024 West Weldon Avenue
Phoenix, Arizona 85017
8
9 Walt Jones
Henkles and McCoy, Inc.
21601 North 3rd Avenue
10 Phoenix, Arizona 85027-2907
11 Tom Mattingly, Superintendent
City of Mesa
12 Building Inspections
P.O. Box 1466
13 Mesa, Arizona 85211-1466
14 ASARCO Incorporated
c/o Webb Crockett, Esq.
15 Fennemore Craig
3003 North Central Avenue, Suite 2600
16 Phoenix, Arizona 85012
17 The Arizona Utility Group
c/o John Clayton
18 Southwest Gas Corporation
P. O. Box 98510
19 Las Vegas, Nevada 89193-8510
20 John H. Shorbe, Sr.
Southern Arizona Home Builders Association
21 2840 North Country Club Road
Tucson, Arizona 85716
22
23 Mr. Michael Bovee
Park Manager
Canyon Valley Airpark
24 P.O. Box 3038
Grand Canyon, Arizona 86023
25
26 Mr. Bryan Jaconi
Manager
Havasupai Springs Resort
27 2581 Highway 95
Parker, Arizona 85344
28

1 Mr. Rus Brock
Deputy Director
2 HBACA
2111 Eat Highland, Suite 190
3 Phoenix, Arizona 85016
4 Mr. Glen Meyers
Manager
5 Ikard and Newsom
P.O. Box 217
6 Flora Vista, New Mexico 87415
7 Mr. Tom Yazzi
Superintendent of Schools
8 Kayenta School District No. 27
P.O. Box 9000
9 Window Rock, Arizona 86515
10 Mr. Ralph Friedley
Superintendent of Schools
11 Red Mesa Unified School District No. 27
HCR 6100, Box 40
12 Teec Nos Pos, Arizona 86514
13 Mr. Chee Benally
Superintendent of Schools
14 Tuba City Unified School District No. 15
P.O. Box 67
15 Tuba City, Arizona 86045
16 Mr. Donimic Antignano
President
17 Zapco Energy Tactics Corporation
1420 - D Church Street
18 Bokemia, New York 11716

19
20
21
22
23
24
25
26
27
28


Angela L. Bennett

A

AGENCY RECEIPT

Notice of Public Information

FILED

MO-321

2000 OCT 30 P 3:31

1. Agency name: Arizona Corporation Commission
2. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:

Subchapters, Articles, Parts, and Sections

Action

Article 2. Pipeline Safety

R14-5-201

Amend.

R14-5-202

Amend.

R14-5-203

Amend.

R14-5-204

Amend.

R14-5-205

Amend.

NOTICE OF PUBLIC INFORMATION

ARIZONA CORPORATION COMMISSION

1. **Title and its heading:** Title 14. Public Service Corporations; Corporations and Associations; Securities Regulation

Chapter and its heading: Chapter 5. Corporation Commission - Transportation

Articles and their headings: Article 2. Pipeline Safety

Section Numbers: R14-5-201 through R14-5-205

2. **The public information relating to the listed Sections:**

This notice provides notice of a correction to the Notice of Proposed Rulemaking, Title 14. Public Service Corporations; Corporations and Associations Securities Regulation, Chapter 5. Corporation Commission – Transportation, Article 2. Pipeline Safety, R14-2-201(5).

Correction: “by public service corporations” (shown in bold for purposes of this notice only) was inadvertently omitted from the rules and conformity was needed. Provided herein is the corrected subpart (5) in its entirety with corrections:

5. “Intrastate pipeline” means all pipeline facilities ~~referenced in ARS 40-441~~, included in the definition of “pipeline system” that are used **by public service corporations** to transport natural gas, Liquefied Natural Gas (“LNG”), other gas or hazardous liquids within Arizona, that are not used to transport gas or hazardous liquids in interstate or foreign commerce. This includes, without limitation, any equipment, facility, building or other property used or intended for use in transporting gas, LNG or hazardous liquids.

4. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An additional Public Comments Meeting is scheduled to address these two corrections:

Date: December 8, 2000

Time: 1:00 p.m.

Location: Corporation Commission Hearing Room, 1200 West Washington Street,
Phoenix, Arizona

Nature: Public Comment Hearing (oral and written comments accepted)